

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BUILDERS ASSOCIATION OF)
METROPOLITAN PITTSBURGH and)
S. RAND WERRIN,)
)
Plaintiffs,) Civil Action No. 2:22-CV-00706-RJC
)
v.)
)
CITY OF PITTSBURGH)
)
Defendant.)

**MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT FOR
LACK OF SUBJECT MATTER JURISDICTION**

Defendant the City of Pittsburgh (“the City”), by and through undersigned counsel, file this Motion to Dismiss Plaintiffs’ First Amended Complaint for Lack of Subject Matter Jurisdiction. As set forth in the Brief in Support, which is filed simultaneously and incorporated fully by reference, the City seeks dismissal of Plaintiffs Builders Association of Metropolitan Pittsburgh (“BAMP”) and S. Rand Werrin’s (“Werrin”) First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(1).

WHEREFORE, the City requests that this Honorable Court grant the instant Motion to Dismiss and enter the attached proposed Order of Court.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within **MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION** was filed electronically August 23, 2024. Notice of this filing will be sent to all counsel of record via the Court's electronic case filing system and constitutes service of this filing under Rule 5(b)(2)(E) of the Federal Rules of Civil Procedure. Parties may access this filing through the Court's ECF system.

By:/s/ Hillary M. Weaver

Hillary M. Weaver

Attorney for Defendant City of Pittsburgh